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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,178	07/03/2003	Patrick E. Bachelder	ME 7.2	4907

7590

03/09/2005

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EXAMINER

BASTIANELLI, JOHN

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,178

Applicant(s)

BACHELDER, PATRICK E.

Examiner

John Bastianelli

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: "the flared end" is previously referenced in claim 2 and not claim 1. Appropriate correction is required.
2. Claim 8 is objected to because of the following informalities: In line 6 of the claim, "the gasket" should be --a gasket-- as this is the first time it is referenced and in line 7 of the claim, "a valve seat" should be --the valve seat-- as it is referenced previously in line 4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by Allin US 2,675,021.

Allin discloses a method for producing a valve holder assembly having a valve holder V with an enlarged flange 20 and cylindrical portion 19a and 19b, a compressible gasket 21 abutting the enlarged flange, a retaining washer 22 over the cylindrical portion and terminating a shoulder (at 19a), a portion of the cylindrical portion is flared radially outward to form a retaining cap 23 by riveting (col. 3, line 74-col. 4, line 8) on the outer side of the retaining washer (The patentability of a product does not depend on its method of production (applying a rotary forming tool and formed by an orbital riveter have no patentable weight). If the product in the product-by-process

Art Unit: 3751

claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113)).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullins US 5,092,364 in view of Allin US 2,675,021.

Mullins discloses an apparatus and method for producing a valve holder assembly having interchangeable male and female coupling components (Fig. 2). Mullins lacks each valve holder assembly having a retaining washer and gasket with a cap. Allin discloses a valve holder assembly having a retaining washer holding a gasket and being held by a cap (see paragraph 5 above). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each valve holder assembly of Mullins with a retaining washer holding a gasket and being held by a cap as disclosed by Allin in order to provide a valve that will hold up in a high pressure environment (The patentability of a product does not depend on its method of production (applying a rotary forming tool and formed by an orbital riveter have no patentable weight). If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made

Art Unit: 3751

by a different process (see MPEP 2113)). The cylindrical portion has an inwardly adjacent portion of lesser diameter that forms a shoulder.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allin US 2,675,021 in view of Medvick et al. US 4,671,540.

Allin lacks a guide with legs made out of powdered metal. Medvick discloses a guide K with legs 102 that is made out of powdered metal (col. 8, lines 34-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the valve stem 26 of Allin with a guide with legs as disclosed by Medvick in order to provide more precise linear movement of the valve so the valve does not get stuck.

### ***Conclusion***

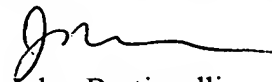
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petrova and Shames disclose a valve with a gasket, retaining washer, and cap. Norton and Ramacier disclose male and female interchangeable valves. Gates, Cooper, and Holcombe disclose forming to put a cap on a valve. Haining discloses a guide with legs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Bastianelli  
Primary Examiner  
Art Unit 3751



JB

February 25, 2005